



Signed: April 05, 2011

EDWARD D. JELLEN
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re
ALFONSO CARPIO BARRETTO,
Debtor.

Case No. 10-46894 EDJ
Chapter 7

MARTHA MARTINEZ,
Plaintiff,

Adv. Proc. No. 10-04273 AJ

vs.

ALFONSO CARPIO BARRETTO,
Defendant.

MEMORANDUM

Martha Martinez, the above-named plaintiff ("Martinez") sought a determination by this court that a \$733,212.60 judgment issued in her favor by the Superior Court of California, County of Santa Clara, on April 27, 2009 (the "Superior Court Judgment") is nondischargeable in the bankruptcy case of Alfonso Barretto, the above-named debtor (the "Debtor"). In response to her complaint, and following the Debtor's default herein, the court issued its non-

Memorandum

1 dischargeable \$34,000 judgment (the "Bankruptcy Judgment") in favor
2 of Martinez. The Bankruptcy Judgment is supported by a Memorandum,
3 dated March 8, 2011, (the "Memorandum") wherein the court notes that
4 it is not able to ascertain from the face of the Superior Court
5 Judgment what portion is attributable to nondischargable causes of
6 action against the Debtor. The court based the Bankruptcy Judgment
7 on the offer of proof made by Martinez at a February 28, 2011
8 hearing.

9 On March 30, 2011, Martinez submitted a request by which she
10 seeks to amend the court's Memorandum in order to support amendment
11 of the Bankruptcy Judgment in an increased amount. Her request is
12 accompanied by a declaration that appears to have been made by
13 Martinez and filed in support of the Superior Court Judgment, a copy
14 of the final page of the Superior Court Judgment, and what appears
15 to be a portion of Martinez's state court counsel's fee statement.
16 The court has reviewed Martinez's request and supporting documents
17 and will characterize them as a motion to amend the findings of fact
18 and conclusions of law contained in the Memorandum. Unfortunately
19 for Martinez, neither the request nor the supporting documents are
20 responsive to the concerns raised by the court in the Memorandum.

21 For the foregoing reasons, the court will issue its order
22 denying Martinez's motion to amend the Memorandum and Judgment.

23 **END OF MEMORANDUM**
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COURT SERVICE LIST

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Fremont, CA 94539

Alfonso Carpio Barretto
28545 Anchorage Lane
Hayward, CA 94545

Memorandum

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